

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION



DAVID A. STEBBINS

VS

CASE NO. 1:14-cv-00961

EDUCAP, INC.

DEFENDANT

MOTION AND INCORPORATED BRIEF IN SUPPORT THEREOF
FOR LEAVE TO FILE UNTIMELY RESPONSE IN OPPOSITION TO
[026] MOTION FOR SUMMARY JUDGMENT

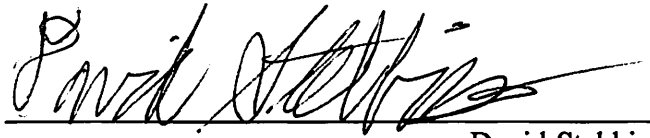
Comes now, *pro se* Plaintiff David Stebbins, who hereby submits the following Motion, and Incorporated Brief in Support Thereof, for leave to file a Response in Opposition to [026] Defendant's Motion for Summary Judgment, out of time.

1. Plaintiff initially mailed his Response – which is being enclosed with this Motion – on November 5, 2014. However, repeated problems with the Post Office has delayed the mailing, and now it appears, has blocked the delivery altogether.
2. This motion is being re-sent on November 14, 2014. There is a possibility that Plaintiff's Response in Opposition may be uploaded to PACER on this day, but Plaintiff does not wish to take that chance.
3. Plaintiff is now mailing this via priority mail, so it will most certainly arrive in the Clerk's Office on Monday or Tuesday, November 17-18, 2014 accordingly.
4. Plaintiff has already served the Defendant with copies of this Response over email, so they should already have their Reply Brief ready to be uploaded to Pacer, as soon as Plaintiff's Response goes up.
5. Plaintiff asks that the Court excuse the delay, since it was never Plaintiff's fault to begin with.

6. Besides, whether this is even untimely in the first place is subject to dispute. Plaintiff only received the Defendant's service of this Motion in the mail on October 28, 2014. By all accounts, it should be *that* date, not the October 21, 2014 date, that triggers Plaintiff's 3-week time period to file his Response.

7. Wherefore, premises considered, Plaintiff asks that his Response in Opposition to the Defendant's Motion for Summary Judgment be considered, despite it being untimely.

So requested on this, the 14th day of November, 2014.

A handwritten signature in black ink, appearing to read "David Stebbins", is written over a horizontal line.

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